

Senate Bill 462

By: Senators Carter of the 13th, Kemp of the 46th, Hamrick of the 30th, Mullis of the 53rd and Miles of the 43rd

AS PASSED

AN ACT

To amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions for sheriffs, so as to place courthouse security under the authority of the sheriff; to require a courthouse security plan which shall be subject to the approval of the chief superior court judge; to provide for access to the security plan to certain individuals; to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to remove courthouses and jails from the list of properties protected; to provide that a budget for implementing security plans shall be subject to approval by the governing authority; to amend Code Section 50-14-3 of the Official Code of Georgia Annotated, relating to excluded proceedings, so as to provide for executive session for governing authorities to review security plans; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions for sheriffs, is amended in Code Section 15-16-10, relating to duties of sheriffs and electronic storage, by striking "and" from the end of paragraph (8), by striking the period and inserting in its place "; and" at the end of paragraph (9), and by inserting a new paragraph (10) of subsection (a) to read as follows:

(10) To develop and implement a comprehensive plan for the security of the county courthouse and any courthouse annex. Prior to the implementation of any security plan, the plan shall be submitted to the chief judge of the superior court of the circuit wherein the courthouse or courthouse annex is located for review. The chief judge shall have 30 days to review the original or any subsequent security plan. The chief judge may make modifications to the original or any subsequent security plan. The sheriff shall provide to the county governing authority the estimated cost of any security plan and a schedule for implementation 30 days prior to adoption of any security plan. A comprehensive

plan for courthouse security shall be considered a confidential matter of public security. Review of a proposed security plan by the governing authority shall be excluded from the requirements of Code Section 50-14-1 and any such review shall take place as provided in Code Section 50-14-3. Such security plan shall also be excluded from public disclosure pursuant to paragraph (15) of subsection (a) of Code Section 50-18-72. The sheriff shall be the official custodian of the comprehensive courthouse security plan and shall determine who has access to such plan and any such access and review shall occur in the sheriff's office or at a meeting of the county governing authority held as provided in paragraph (9) of Code Section 50-14-3; provided, however, that the sheriff shall make the original security plan available upon request for temporary, exclusive review by any judge whose courtroom or chambers is located within the courthouse or courthouse annex or by any commissioner of the county in which the courthouse or courthouse annex is located. The sheriff shall be responsible to conduct a formal review of the security plan not less than every four years.

SECTION 2.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by striking Code Section 36-9-8, relating to the protection of county property by the sheriff, and inserting in its place a new Code Section 36-9-8 to read as follows:

36-9-8.

The public grounds and other county property are placed in the keeping of the sheriff of the county, subject to the order of the county governing authority; and it is his or her duty to preserve them from injury or waste and to prevent intrusions upon them.

SECTION 3.

Said title is further amended by adding a new Code section to the end of Article 1 of Chapter 81, relating to local government budgets and audits, to read as follows:

36-81-11.

The development and implementation of a security plan and all related technology pursuant to paragraph (10) of subsection (a) of Code Section 15-16-10 shall be subject to the annual budget approved for the office of the sheriff by the governing authority.

SECTION 4.

Code Section 50-14-3 of the Official Code of Georgia Annotated, relating to excluded proceedings, is amended by striking paragraph (9) and inserting in lieu thereof the following:

(9) Meetings when discussing any records that are exempt from public inspection or disclosure pursuant to paragraph (15) of subsection (a) of Code Section 50-18-72, when discussing any information a record of which would be exempt from public inspection or disclosure under said paragraph, or when reviewing or discussing any security plan under consideration pursuant to paragraph (10) of subsection (a) of Code Section 15-16-10.

SECTION 5.

This Act shall become effective on July 1, 2006.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.